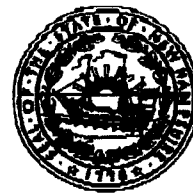




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY  
WET #SC2004-0009

April 2, 2004

H. Brooks Stevens  
PO Box 104  
New Castle, New Hampshire 03854

**RE: Wetlands Bureau Complaint File #2004-203, Stevens, Portsmouth Avenue, New Castle  
Tax Map 15 / Lot 6.**

Dear Mr. Stevens:

As you are aware, on February 18, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on the Town New Castle Tax Map 15 as Lot 6 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law, and RSA 483-B, the Comprehensive Shoreland Protection Act ("CSPA").

During the inspection the following deficiencies were observed:

1. Approximately 1,000 sq. ft. of the existing house, patio, and retaining wall has been constructed within the upland tidal buffer zone without a permit from the DES Wetlands Bureau.
2. Cutting has occurred between the existing house and the shoreline within the natural woodland buffer area of the Comprehensive Shoreland Protection Act ("CSPA"). This area of cutting measures approximately 80 ft. x 60 ft diminishing the distribution of the vegetation. As required by the CSPA, the natural woodland buffer shall be maintained within 150 feet of the reference line. The reference line is defined as the highest observable tide line. No more than a maximum of 50% of the basal area of trees and a maximum of 50% of the total number of saplings shall be cut for any purpose in a 20 year period within the natural woodland buffer area. A healthy, well distributed stand of trees, saplings, shrubs, and ground covers must be maintained. A copy of the regulation is enclosed.

DES requests that you take the following actions:

1. Apply after-the-fact for a permit to retain the portion of the existing house, patio, and retaining wall that has been constructed within the upland tidal buffer zone. A Standard Dredge and Fill application is enclosed for your use.
2. It appears that the cutting within the natural woodland buffer area has reached the maximum tree cutting of 50% of the basal area and the maximum of 50% of the total number of saplings in a 20 year period. Therefore, no further cutting should take place in these areas and a planting plan needs to be submitted to DES for the areas where the well distributed stand no longer exists.

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**NHDES Wetlands Complaint File# 2004-203**

RSA 482-A and RSA 483-B, the New Hampshire Wetlands law and the Comprehensive Shoreland Protection Act, were enacted to protect and preserve wetlands, surface waters and the shoreline from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau and comply with the Comprehensive Shoreland Protection Act. If work is done without a permit from the Wetlands Bureau and is not in compliance with the Comprehensive Shoreland Protection Act, this is considered a violation of RSA 482-A and 483-B. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

Please provide a written response to DES by May 2, 2004 with a timeframe for completing the above requested items.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Compliance Investigator  
Wetlands Bureau  
Department of Environmental Services  
360 Corporate Drive  
Suite 2  
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 433-6183 or by e-mail at [dprice@des.state.nh.us](mailto:dprice@des.state.nh.us).

Sincerely,



Dori Wiggin  
Coastal Supervisor  
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL #7003 1010 0003 3557 2791

cc: Rene Pelletier, Manager, Land Resources Management Program  
Mark Harbaugh, DES Legal Unit  
Richard Head, NHDOJ  
Jack McGee  
New Castle Corporation Commission

TOTAL P.03